

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
September 8, 2004

ITEM: 16

SUBJECT: The 2004 Basin Plan Triennial Review. (Jody Ebsen and Laurie Walsh)

PURPOSE: To consider adoption of Tentative Resolution No. R9-2004-0156 (Supporting Document 5, Appendix C) completing the 2004 Basin Plan Triennial Review and adopting a prioritized list of Basin Plan issues. The Board received public testimony and closed the comment period on this item at the June 10, 2004 Board meeting. This item is scheduled for Regional Board deliberation and action on the Tentative Resolution.

PUBLIC NOTICE: Public notification of this item, initially scheduled for the August 11, 2004 Board meeting, was published in the Orange County Register, the San Diego Union Tribune, the Press-Enterprise, and the North County Times on April 22-24, 2004, respectively. Notification of the re-scheduling of this item to September 8, 2004, was included in the agenda for the September Board meeting. Additionally, interested parties were notified by email and U.S. mail of the date change.

DISCUSSION: Adoption of Tentative Resolution No. R9-2004-0156 will complete the 2004 Basin Plan Triennial Review, the Regional Board's periodic review of the Basin Plan mandated by State and federal law. The Tentative Resolution includes a prioritized list of Basin Plan issues for investigation and possible preparation of Basin Plan amendments and will function as a workplan guiding basin planning efforts until the next Triennial Review in 2007.

The public comment period on the Triennial Review was closed at the end of the June 10, 2004 hearing. The Regional Board prepared a Response to Comments Report (Supporting Document 6) to address all the oral and written comments received, and revised the Technical Report and Appendices (Supporting Document 5) as appropriate. Based on the comments, the following significant changes were made to the prioritized list of issues:

1. Onsite Sewage Treatment Systems Regulations Issue moved to priority rank No. 2.

2. Site specific water quality objective for copper at Shelter Island Yacht Basin Issue added to prioritized list.
3. Beneficial Uses in Public Access Restricted Areas Issue split, adding part of it to Rec-1 Subcategory Issue and creating Beneficial Uses of Loveland and Sweetwater Reservoirs Issue.
4. Corrected score for 401 Certification Policy and Procedures Issue.

The projected three-year resource funding allocation for basin planning is \$387,000. This allocation is estimated to fund Regional Board investigation of the first seven issues on the prioritized list at an estimated cost of \$344,000. Therefore, the top seven issues were compiled in the *Prioritized List of Basin Plan Issues for Investigation from September 2004 to September* and attached to the Tentative Resolution (Supporting Document 5, Appendix C) for adoption by the Regional Board. The tentative Resolution provides for incorporation of new basin planning issues over the next three years and reprioritization of issues if additional resources become available.

KEY ISSUES:

- (1) Interested parties requested all issues deemed relevant to the Bacteria TMDL be moved up in priority on the prioritized list.
- (2) Some commentors alleged that economic considerations provisions of California Water Code section 13241 were not properly applied to initial formulation of the Basin Plan and to all subsequent amendments.
- (3) Some commentors alleged issues involving maintenance of and updates to the Basin Plan ranked too high compared to water quality standards issues.

LEGAL CONCERNS:

None.

SUPPORTING
DOCUMENTS:

- (5) 2004 Basin Plan Triennial Review Technical Report and Appendices (August 26, 2004)
 - Appendix A – Notice of Public Solicitation Period, Public Workshops, and Public Hearings on Basin Plan Triennial Review
 - Appendix B – Prioritized 2004 Basin Plan Triennial Review Issue List
 - Appendix C – Tentative Resolution No. R9-2004-0156.
 - Appendix D – Ranking Process
 - Appendix E – Completed Initial Question Forms
 - Appendix F – Completed Technical Ranking Forms
 - Appendix G – Resource Estimate Details
- (6) 2004 Basin Plan Triennial Review Response to Comments Report

RECOMMENDATION:

Adopt Tentative Resolution R9-2004-0156 completing the 2004 Basin Plan Triennial Review.